

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

---

KARL JULIUS JAMES,

ORDER

Plaintiff,

08-cv-568-bbc

v.

MICHAEL THURMER,

Defendant.

---

In an order dated October 3, 2008, I denied petitioner's request for leave to proceed in forma pauperis in this action because he has struck out under 28 U.S.C. § 1915(g) and the matter he raised in his complaint does not qualify for the imminent danger exception to § 1915(g). When petitioner failed to prepay the \$350 fee by the deadline he was given to do so, I dismissed the case on November 3, 2008. In an order dated March 17, 2009, the Court of Appeals for the Seventh Circuit concluded that plaintiff did not qualify for leave to proceed in forma pauperis under 28 U.S.C. § 1915(g) because he has struck out and ordered him to pay within fourteen days the fee for filing his appeal of this case. On April 30, 2009, the court of appeals entered an order dismissing plaintiff's appeal for failure to pay the fee for filing his appeal.

Now before the court is plaintiff's motion to correct the record on appeal pursuant to Fed. R. App. P. 10(e). This motion will be denied as moot because plaintiff's appeal was dismissed more than a year ago.

ORDER

IT IS ORDERED that plaintiff Karl Julius James's motion to correct the record on appeal, dkt. #40, is DENIED as moot.

Entered this 24th day of June, 2010.

BY THE COURT:  
/s/  
BARBARA B. CRABB  
District Judge